Mr. CARPER, Mr. COLEMAN, Mr. DOMENICI, Mr. WARNER, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas it has been almost 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas al-Qaeda and affiliated or inspired terrorist groups remain committed to plotting attacks against the United States, its interests, and its foreign allies, as evidenced by recent terrorist attacks in Great Britain, Algeria, and Pakistan, and disrupted plots in Germany, Denmark, Canada, and the United States;

Whereas the Nation remains vulnerable to catastrophic natural disasters, such as Hurricane Katrina, which devastated the Gulf Coast in August 2005;

Whereas the President has declared more than 400 major disasters and emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act since 2000, in response to a host of natural disasters, including tornadoes, floods, winter storms, and wildfires that have overwhelmed the capabilities of State and local governments;

Whereas acts of terrorism, natural disasters, and other large-scale emergencies can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to the Nation's critical infrastructure, and inflicting billions of dollars of costs on both the public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing risk to the Nation from a full range of potential catastrophic incidents, Congress established the Department of Homeland Security on March 1, 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing information analysis, infrastructure protection, and science and technology, and focusing its more than 200,000 employees on the critical mission of defending the Nation against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal departments and agencies and partners at all levels of government to help secure the Nation's borders, airports, sea and inland ports, critical infrastructure, and people against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas the Nation's firefighters, law enforcement officers, emergency medical services personnel, and other emergency response providers selflessly and repeatedly risk their lives to fulfill their mission to help prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary individuals across the country have been working in cooperation with the Department of Homeland Security and other Federal departments and agencies to enhance the Nation's ability to prevent, protect against, prepare for, and respond to natural disasters, acts of terrorism, and other large-scale emergencies; and

Whereas the people of the United States can assist in promoting the Nation's overall preparedness by remaining vigilant, reporting suspicious activity to proper authorities, and preparing themselves and their families for all emergencies, regardless of their cause: Now, therefore, be it

Resolved, That the Senate—

(1) on the occasion of the fifth anniversary of the establishment of the Department of Homeland Security, commends the public servants of the Department for their outstanding contributions to the Nation's security and safety;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and individuals across the country for their efforts to enhance the Nation's ability to prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

(3) expresses the Nation's appreciation for the sacrifices and commitment of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers in preventing, protecting against, preparing for, and responding to acts of terrorism, natural disasters, and other large-scale emergencies;

(4) urges the Federal Government, States, local governments, Indian tribes, schools, nonprofit organizations, businesses, other entities, and the people of the United States to take steps that promote individual and community preparedness for any emergency, regardless of its cause; and

(5) encourages continued efforts by every individual in the United States to enhance the ability of the Nation to address the full range of potential catastrophic incidents at all levels of government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4091. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table.

SA 4092. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4093. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4094. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4095. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4096. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4097. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4098. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4099. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4100. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4101. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4102. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4103. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4104. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) proposed an amendment to the bill S. 2663, supra.

SA 4105. Ms. KLOBUCHAR (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4106. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4107. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4104 proposed by Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4091. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COMMERCIAL SEAFOOD CONSUMER PROTECTION

SEC. —01. SHORT TITLE.

This title may be cited as the ''Commercial Seafood Consumer Protection Act''.

SEC. —02. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. —03. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of Commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. —04. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

SEC. —05. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines, on the basis of reliable evidence, that shipments of such seafood or seafood products is not likely to meet the requirements of Federal law.

(b) INCREASED TESTING.—If the Secretary determines, on the basis of reliable evidence that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section —03, then the Secretary shall order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) RELIABLE EVIDENCE DEFINED.—In this section, the term ''reliable evidence'' includes—

(1) the detection of failure to meet Federal law requirements under subsection (a) by the Secretary;

(2) the detection of all seafood products that fail to meet Federal law requirements by an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)) or a laboratory certified under subsection (c);

(3) findings from an inspection team formed under section —06; or

(4) the detection by other importing countries of non-compliance of shipments of seafood or seafood products that originate from the exporting country or exporter.

(f) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. —06. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess whether any prohibited drug, practice, or process is being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood. The inspection team shall prepare a report for the Secretary with its findings. The Secretary of Commerce shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary of Commerce shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register. A country may offer a rebuttal to the assessment within 90 days after publication of the report.

SEC. —07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this title, $15,000,000.

SA 4092. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. EQUESTRIAN HELMETS.

(a) STANDARDS.—

(1) IN GENERAL.—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) INTERIM STANDARD.—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) FINAL STANDARD.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) EFFECTIVE DATE.—The final standard shall take effect not later than 1 year after the date it is issued.

(4) FAILURE TO MEET STANDARDS.—

(A) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) STATUS OF FINAL STANDARD.—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) GRANTS REGARDING USE OF SAFE EQUESTRIAN HELMETS.—

(1) AUTHORITY TO AWARD GRANTS.—The Secretary of Commerce may award grants to States, political subdivisions of States, Indian tribes, tribal organizations, public organizations, and private nonprofit organizations for activities that encourage individuals to wear approved equestrian helmets.

(2) APPLICATION.—A State, political subdivisions of States, Indian tribes, tribal organizations, public organizations, and private nonprofit organizations seeking a grant under this section shall submit to the Secretary an application for the grant, in such form and containing such information as the Secretary may require.

(3) REVIEW BEFORE AWARD.—

(A) REVIEW.—The Secretary shall review each application for a grant under this section in order to ensure that the applicant for the grant will use the grant for the purposes described in subsection (c).

(B) SCOPE OF PROGRAMS.—In reviewing applications for grants, the Secretary shall permit applicants wide discretion in designing programs that effectively promote increased use of approved equestrian helmets.

(c) PURPOSES OF GRANTS.—A grant under subsection (b) may be used by a grantee to—

(1) educate individuals and their families on the importance of wearing approved equestrian helmets in a proper manner in order to improve equestrian safety;

(2) provide assistance to individuals who may not be able to afford approved equestrian helmets to enable such individuals to acquire such helmets; or

(3) carry out any combination of activities described in paragraphs (1) and (2).

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report on the effectiveness of grants awarded under subsection (b).

(2) CONTENTS.—The report shall include a list of grant recipients, a summary of the types of programs implemented by the grant recipients, and any recommendations that the Secretary considers appropriate regarding modification or extension of the authority under subsection (b).

(3) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(e) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) CONSUMER PRODUCT SAFETY COMMISSION.—There is authorized to be appropriated to the Consumer Product Safety Commission to carry out activities under subsection (a), $500,000 for fiscal year 2009, which amount shall remain available until expended.

(2) DEPARTMENT OF COMMERCE.—There is authorized to be appropriated to the Department of Commerce to carry out subsection (b), $100,000 for each of fiscal years 2009, 2010, and 2011.

(f) DEFINITIONS.—In this section:

(1) APPROVED EQUESTRIAN HELMET.—The term ''approved equestrian helmet'' means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) EQUESTRIAN HELMET.—The term ''equestrian helmet'' means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

SA 4093. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LABELING OF CLONED FOOD.

(a) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z)(1) If it contains cloned product unless it bears a label that provides notice in accordance with the following:

''(A) A notice as follows: 'THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY'.

''(B) The notice required in clause (A) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

''(C) The notice required under clause (A) is clearly legible and conspicuous.

''(2) For purposes of this paragraph:

''(A) The term 'cloned animal' means—

''(i) an animal produced as the result of somatic cell nuclear transfer; and

''(ii) the progeny of such an animal.

''(B) The term 'cloned product' means a product or byproduct derived from or containing any part of a cloned animal.

''(3) This paragraph does not apply to food that is a medical food as defined in section 5(b) of the Orphan Drug Act.

''(4)(A) The Secretary, in consultation with the Secretary of Agriculture, shall require that any person that prepares, stores, handles, or distributes a cloned product for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this paragraph and paragraph (aa).

''(B) The Secretary, in consultation with the Secretary of Agriculture, shall publish in the Federal Register the procedures established by such Secretaries to verify compliance with the recordkeeping audit trail system required under clause (A).

''(C) The Secretary, in consultation with the Secretary of Agriculture, shall, on an annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this subparagraph.

''(aa) If it bears a label indicating (within the meaning of paragraph (z)) that it does not contain cloned product, unless the label is in accordance with regulations promulgated by the Secretary. With respect to such regulations:

''(1) The regulations may not require such a label to include any statement indicating that the fact that a food does not contain such product has no bearing on the safety of the food for human consumption.

''(2) The regulations may not prohibit such a label on the basis that, in the case of the type of food involved, there is no version of the food in commercial distribution that does contain such product.''.

(2) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

''(g)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

''(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (f).''.

(3) GUARANTY.—

(A) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(i) by striking ''(d)'' and inserting ''(d)(1)''; and

(ii) by adding at the end the following paragraph:

''(2) Subject to section 403(z)(4), no person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) and 403(aa) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food to the effect that (within the meaning of section 403(z)) the food does not contain any cloned product.''.

(B) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting ''or 303(d)(2)'' after ''303(c)(2)''.

(4) CITIZEN SUITS.—Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 et seq.) is amended by adding at the end the following section:

''SEC. 311. CITIZEN SUITS REGARDING MISBRANDING OF FOOD WITH RESPECT TO PRODUCT FROM CLONED ANIMALS.

''(a) IN GENERAL.—Except as provided in subsection (c), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

''(1) a person who is alleged to have engaged in a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa); or

''(2) the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 403(z) or 403(aa) that is not discretionary.

''(b) RELIEF.—In a civil action under subsection (a), the district court involved may, as the case may be—

''(1) enforce the compliance of a person with the applicable provisions referred to paragraph (1) of such subsection; or

''(2) order the Secretary to perform an act or duty referred to in paragraph (2) of such subsection.

''(c) LIMITATIONS.—

''(1) NOTICE TO SECRETARY.—A civil action may not be commenced under subsection (a)(1) prior to 60 days after the plaintiff has provided to the Secretary notice of the violation involved.

''(2) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under subsection (a)(2) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in subsection (a)(1).

''(d) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under subsection (a), the Secretary, if not a party, may intervene as a matter of right.

''(e) AWARD OF COSTS; FILING OF BOND.—In a civil action under subsection (a), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(f) SAVINGS PROVISION.—This section does not restrict any right that a person (or class of persons) may have under any statute or common law to seek enforcement of the provisions referred to subsection (a)(1), or to seek any other relief (including relief against the Secretary).''.

(b) AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT.—

(1) REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following:

"SEC. 7A. REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) CLONED ANIMAL.—The term 'cloned animal' means—

''(A) an animal produced as the result of somatic cell nuclear transfer; and

''(B) the progeny of such an animal.

''(2) CLONED PRODUCT.—The term 'cloned product' means a product or byproduct derived from or containing any part of a cloned animal.

''(3) CLONED MEAT FOOD PRODUCT.—The term 'cloned meat food product' means a meat food product that contains a cloned product.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—

''(A) INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product—

''(i) is a cloned meat food product; and

''(ii) does not bear a label (or include labeling, in the case of a meat food product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notice described in subsection (c).

''(B) NO INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—

''(i) IN GENERAL.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product bears a label indicating that the meat food product is not a cloned meat food product, unless the label is in accordance with regulations promulgated by the Secretary.

''(ii) REQUIREMENTS.—In promulgating regulations referred to in clause (i), the Secretary may not—

''(I) require a label to include any statement indicating that the fact that a meat food product is not a cloned meat food product has no bearing on the safety of the food for human consumption; or

''(II) prohibit a label on the basis that, in the case of the type of meat food product involved, there is no version of the meat food product in commercial distribution that is not a cloned meat food product.

''(2) AUDIT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall require that any person that manufactures, produces, distributes, stores, or handles a meat food product maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with the labeling requirements described in paragraph (1).

''(B) PUBLICATION.—The Secretary, in consultation with the Secretary of Health and Human Services, shall publish in the Federal Register the procedures established by the Secretaries to verify compliance with the recordkeeping audit trail system required under subparagraph (A).

''(C) REPORT.—The Secretary, in consultation with the Secretary of Health and Human Services, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this paragraph.

''(c) SPECIFICS OF LABEL NOTICE.—

''(1) REQUIRED NOTICE.—The notice referred to in subsection (b)(1)(A)(ii) is the following: 'THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY'.

''(2) SIZE.—The notice required in paragraph (1) shall be of the same size as if the notice provided nutrition information that is required under section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(1)).

''(d) GUARANTY.—

''(1) IN GENERAL.—Subject to subsection (b)(2) and paragraph (2), a person engaged in the business of manufacturing or processing meat food products, or selling or serving meat food products at retail or through a food service establishment (referred to in this subsection as the 'recipient') shall not be considered to have violated this section with respect to the labeling of a meat food product if the recipient establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food product or the animal from which the meat food product was derived, or received in good faith food intended to be fed to the animal, to the effect that the meat food product, or the animal, or the meat food product, respectively, does not contain a cloned product or was not produced with a cloned product.

''(2) AUDIT VERIFICATION SYSTEM.—In the case of recipients who establish guaranties or undertakings in accordance with paragraph (1), the Secretary may exempt the recipients from the requirement under subsection (b)(2) regarding maintaining a verifiable recordkeeping audit trail.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(e) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c) in an amount not to exceed $100,000 for each violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—

''(A) IN GENERAL.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code.

''(B) WRITTEN NOTICE.—Before issuing an order under subparagraph (A), the Secretary shall—

''(i) give written notice to the person to be assessed a civil penalty under the order of the proposal of the Secretary to issue the order; and

''(ii) provide the person an opportunity for a hearing on the order.

''(C) AUTHORIZATIONS.—In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall consider—

''(A) the nature, circumstances, extent, and gravity of the 1 or more violations; and

''(B) with respect to the violator—

''(i) ability to pay;

''(ii) effect on ability to continue to do business;

''(iii) any history of prior violations;

''(iv) the degree of culpability; and

''(v) such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—

''(A) IN GENERAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1).

''(B) DEDUCTION FROM SUMS OWED.—The amount of a civil penalty under this subsection, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with—

''(i) the United States Court of Appeals for the District of Columbia Circuit; or

''(ii) any other circuit in which the person resides or transacts business.

''(B) FILING DEADLINE.—A petition described in subparagraph (A) may only be filed within the 60-day period beginning on the date the order making the assessment was issued.

''(6) FAILURE TO PAY.—

''(A) IN GENERAL.—The Attorney General shall recover the amount assessed under a civil penalty (plus interest at prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5)(B) or the date of the final judgment, as appropriate) in an action brought in any appropriate district court of the United States if a person fails to pay the assessment—

''(i) after the order making the assessment becomes final, if the person does not file a petition for judicial review of the order in accordance with paragraph (5)(A); or

''(ii) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Secretary;

''(B) EXEMPTIONS FROM REVIEW.—In an action described in subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

''(f) CITIZEN SUITS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

''(A) a person who is alleged to have engaged in a violation of subsection (b) or (c); or

''(B) the Secretary in a case in which there is alleged a failure of the Secretary to perform any act or duty under subsection (b) or (c) that is not discretionary.

''(2) RELIEF.—In a civil action under paragraph (1), the district court involved may, as appropriate—

''(A) enforce the compliance of a person with the applicable provisions referred to paragraph (1)(A); or

''(B) order the Secretary to perform an act or duty referred to in paragraph (1)(B).

''(3) LIMITATIONS.—

''(A) NOTICE TO SECRETARY.—A civil action may not be commenced under paragraph (1)(A) prior to 60 days after the date on which the plaintiff provided to the Secretary notice of the violation involved.

''(B) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under paragraph (1)(B) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in paragraph (1)(A).

''(4) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under paragraph (1), the Secretary, if not a party, may intervene as a matter of right.

''(5) AWARD OF COSTS; FILING OF BOND.—

''(A) AWARD OF COSTS.—In a civil action under paragraph (1), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party in any case in which the court determines such an award is appropriate.

''(B) FILING OF BOND.—The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(6) SAVINGS PROVISION.—This subsection does not restrict any right that a person (or class of persons) may have under any statute or common law—

''(A) to seek enforcement of the provisions referred to in paragraph (1)(A); or

''(B) to seek any other relief (including relief against the Secretary).''.

(2) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(A) by striking ''or'' at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(C) by adding at the end the following:

''(13) if it fails to bear a label or labeling as required by section 7A.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 180-day period beginning on the date of enactment of this Act.

SA 4094. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 58, strike lines 4 through 7 and insert the following:

''(g)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

SA 4095. Mr. DEMINT proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Product Safety Modernization Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authority to issue implementing regulations.

TITLE I—CHILDREN'S PRODUCT SAFETY

Sec. 101. Ban on children's products containing lead; lead paint rule.
Sec. 102. Mandatory third-party testing for certain children's products.
Sec. 103. Tracking labels for children's products.
Sec. 104. Standards and consumer registration of durable nursery products.
Sec. 105. Labeling requirement for certain internet and catalogue advertising of toys and games.
Sec. 106. Study of preventable injuries and deaths in minority children related to consumer products.
Sec. 107. Review of generally-applicable standards for toys.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. Reauthorization of the Commission.
Sec. 202. Structure and quorum.
Sec. 203. Submission of copy of certain documents to Congress.
Sec. 204. Expedited rulemaking.
Sec. 205. Public disclosure of information.
Sec. 206. Publicly available information on incidents involving injury or death.
Sec. 207. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 208. Notification of noncompliance with any Commission-enforced statute.
Sec. 209. Enhanced recall authority and corrective action plans.
Sec. 210. Website notice, notice to third party internet sellers, and radio and television notice.
Sec. 211. Inspection of certified proprietary laboratories.
Sec. 212. Identification of manufacturer, importers, retailers, and distributors.
Sec. 213. Export of recalled and non-conforming products.
Sec. 214. Prohibition on sale of recalled products.
Sec. 215. Increased civil penalty.
Sec. 216. Criminal penalties to include asset forfeiture.
Sec. 217. Enforcement by State attorneys general.
Sec. 218. Effect of rules on preemption.
Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 220. Inspector General authority and accessibility.
Sec. 221. Repeal.
Sec. 222. Industry-sponsored travel ban.
Sec. 223. Annual reporting requirement.
Sec. 224. Study on the effectiveness of authority relating to imported products.

SEC. 2. REFERENCES.

(a) COMMISSION.—As used in this Act, the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(c) RULE.—In this Act and the amendments made by this Act, a reference to any rule under any Act enforced by the Commission shall be considered a reference to any rule, standard, ban, or order under any such Act.

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) CHILDREN'S PRODUCTS CONTAINING LEAD.—

(1) BANNED HAZARDOUS SUBSTANCE.—Effective 180 days after the date of enactment of this Act, any children's product containing more than the amounts of lead set forth in paragraph (2) shall be a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

(2) STANDARD FOR AMOUNT OF LEAD.—The amounts of lead referred to in paragraph (1) shall be—

(A) 600 parts per million total lead content by weight for any part of the product;

(B) 300 parts per million total lead content by weight for any part of the product, effective 2 years after the date of enactment of this Act; and

(C) 100 parts per million total lead content by weight for any part of the product, effective 4 years after the date of enactment of this Act, unless the Commission determines, after notice and a hearing, that a standard of 100 parts per million is not feasible, in which case the Commission shall require the lowest amount of lead that the Commission determines is feasible to achieve.

(3) COMMISSION REVISION TO MORE PROTECTIVE STANDARD.—

(A) MORE PROTECTIVE STANDARD.—The Commission may, by rule, revise the standard set forth in paragraph (2)(C) for any class of children's products to any level and form that the Commission determines is—

(i) more protective of human health; and

(ii) feasible to achieve.

(B) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the standard set forth in this section to require the lowest amount of lead that the Commission determines is feasible to achieve.

(4) COMMISSION AUTHORITY TO EXCLUDE CERTAIN MATERIALS.—The Commission may, by rule, exclude certain products and materials from the prohibition in paragraph (1) if the Commission determines that the lead content in such products and materials will not result in the absorption of lead in the human body or does not have any adverse impact on public health or safety.

(5) DEFINITION OF CHILDREN'S PRODUCT.—

(A) IN GENERAL.—As used in this subsection, the term ''children's product'' means a consumer product as defined in section 3(1) of the Consumer Product Safety Act (15 U.S.C. 2052(1)) designed or intended primarily for children 12 years of age or younger.

(B) FACTORS TO BE CONSIDERED.—In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

(iii) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

(iv) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

(6) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—The standards established under paragraph (2) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this paragraph if such component part is not

physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. The Commission may require that certain electronic devices be equipped with a child-resistant cover or casing that prevents exposure of and accessibility to the parts of the product containing lead if the Commission determines that it is not feasible for such products to otherwise meet such standards.

(b) PAINT STANDARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall modify section 1303.1 of title 16, Code of Federal Regulations, to—

(A) reduce the standard applicable to lead paint by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section;

(B) apply the standard to all children's products as defined in subsection (a)(5); and

(C) reduce the standard for paint and other surface coating on children's products and furniture to 0.009 milligrams per centimeter squared.

(2) MORE PROTECTIVE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Commission shall, by rule, revise the standard established under paragraph (1)(C) to a more protective standard if the Commission determines such a standard to be feasible.

(c) AUTHORITY TO EXTEND IMPLEMENTATION PERIODS.—The Commission may extend, by rule, the effective dates in subsections (a) and (b) by an additional period not to exceed 180 days if the Commission determines that—

(1) there is no impact on public health or safety from extending the implementation period; and

(2)(A) the complete implementation of the new standards by manufacturers subject to such standards is not feasible within 180 days;

(B) the cost of such implementation, particularly on small and medium sized enterprises, is excessive; or

(C) the Commission requires additional time to implement such standards and determine the required testing methodologies and appropriate exceptions in order to enforce such standards.

SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD-PARTY TESTING.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Every manufacturer'' and inserting ''Except as provided in paragraph (2), every manufacturer''; and

(B) by striking ''standard under this Act'' and inserting ''rule under this Act or similar rule under any other Act enforced by the Commission'';

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

''(2) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, every manufacturer of a children's product (and the private labeler of such children's product if such product bears a private label) which is subject to a consumer product safety rule under this Act or a similar rule or standard under any other Act enforced by the Commission, shall—

''(A) have the product tested by a independent third party qualified to perform such tests or a proprietary laboratory certified by the Commission under subsection (e) ; and

''(B) issue a certificate which shall—

''(i) certify that such product conforms to such standards or rules; and

''(ii) specify the applicable consumer product safety standards or other similar rules.''; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking ''required by paragraph (1) of this subsection'' and inserting ''required by paragraph (1) or (2) (as the case may be)''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) DEFINITION OF CHILDREN'S PRODUCTS AND INDEPENDENT THIRD PARTY.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

''(2) The term 'independent third party', means an independent testing entity that is not owned, managed, controlled, or directed by such manufacturer or private labeler, and that is accredited in accordance with an accreditation process established or recognized by the Commission. In the case of certification of art material or art material products required under this section or under regulations issued under the Federal Hazardous Substances Act, such term includes a certifying organization, as such term is defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations.''.

(c) CERTIFICATION OF PROPRIETARY LABORATORIES.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(e) CERTIFICATION OF PROPRIETARY LABORATORIES FOR MANDATORY TESTING.—

''(1) CERTIFICATION.—Upon request, the Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may certify a laboratory that is owned, managed, controlled, or directed by the manufacturer or private labeler for purposes of testing required under this section if the Commission determines that—

''(A) certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(B) the laboratory has established procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(C) the laboratory has established procedures for confidential reporting of allegations of undue influence to the Commission.

''(2) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify any laboratory certified under paragraph (1) if the Commission finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''standards under this Act'' and inserting ''rules under this Act or similar rules under any other Act enforced by the Commission''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

Section 14(a) (15 U.S.C. 2063(a)) is further amended by adding at the end the following:

''(4) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, the manufacturer of a children's product shall, to the extent feasible, place distinguishing marks on the product and its packaging that will enable the manufacturer and the ultimate purchaser to ascertain the location and date of production of the product, and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks.''.

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable nursery products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(c) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(A) include spaces for a consumer to provide their name, address, telephone number, and email address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product. In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

(d) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) shall include—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTERNET AND CATALOGUE ADVERTISING OF TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—Effective 180 days after the Consumer Product Safety Modernization Act, any advertisement of a retailer, manufacturer, importer, distributor, private labeler, or licensor that provides a direct means for the purchase or ordering of any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. Such cautionary statement shall be displayed in the language that is primarily used in the advertisement, catalogue, or Internet website, and in a clear and conspicuous manner consistent with part 1500 of title 16, Code of Federal Regulations (or a successor regulation thereto).

''(2) ENFORCEMENT.—The requirement in paragraph (1) shall be treated as a consumer product safety rule promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the publication or distribution of any advertisement that is not in compliance with the requirements of paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).

''(3) RULEMAKING.—Not later than 180 days after the date of enactment of Consumer Product Safety Modernization Act, the Commission shall, by rule, modify the requirement under paragraph (1) with regard to catalogues or other printed materials concerning the size and placement of the cautionary statement required under such paragraph as appropriate relative to the size and placement of the advertisements in such printed materials. The Commission may, under such rule, provide a grace period for catalogues and printed materials printed prior to the effective date in paragraph (1) during which time distribution of such printed materials shall not be considered a violation of such paragraph.''.

SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan native, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report the findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS FOR TOYS.

(a) ASSESSMENT.—The Commission shall examine and assess the effectiveness of the safety standard for toys, ASTM-International standard F963–07, or its successor standard, to determine—

(1) the scope of such standards, including the number and type of toys to which such standards apply;

(2) the degree of adherence to such standards on the part of manufacturers; and

(3) the adequacy of such standards in protecting children from safety hazards.

(b) SPECIAL FOCUS ON MAGNETS.—In conducting the assessment required under subsection (a), the Commission shall first examine the effectiveness of the F963–07 standard as it relates to intestinal blockage and perforation hazards caused by ingestion of magnets. If the Commission determines based on the review that there is substantial noncompliance with such standard that creates an unreasonable risk of injury or hazard to children, the Commission shall expedite a rulemaking to consider the adoption, as a consumer product safety rule, of the voluntary safety standards contained within the ASTM F963–07, or its successor standard, that relate to intestinal blockage and perforation hazards caused by ingestion of magnets.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall report to Congress the findings of the study conducted pursuant to subsection (a). Such report shall include the Commission's opinion regarding—

(1) the feasibility of requiring manufacturer testing of all toys to such standards; and

(2) whether promulgating consumer product safety rules that are substantially similar or more stringent than the standards described in such subsection would be beneficial to public health and safety.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsections (a) and (b) of section 32 (15 U.S.C. 2081) are amended to read as follows:

''(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(1) $80,000,000 for fiscal year 2009;

''(2) $90,000,000 for fiscal year 2010; and

''(3) $100,000,000 for fiscal year 2011.

''(b) In addition to the amounts specified in subsection (a), there are authorized to be appropriated $20,000,000 to the Commission for fiscal years 2009 through 2011, for the purpose of renovation, repair, reconstruction, reequipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards).''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to Congress a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time inspectors and other full-time equivalents the Commission intends to employ;

(2) the plan of the Commission for risk assessment and inspection of imported consumer products;

(3) an assessment of the feasibility of mandating bonds for serious hazards and repeat offenders and Commission inspection and certification of foreign third-party and proprietary testing facilities; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety standards and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

SEC. 202. STRUCTURE AND QUORUM.

(a) EXTENSION OF TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the period beginning on the date of enactment of this Act through—

(1) August 3, 2008, if the President nominates a person to fill a vacancy on the Commission prior to such date; or

(2) the earlier of—

(A) 3 months after the date on which the President nominates a person to fill a vacancy on the Commission after such date; or

(B) February 3, 2009.

(b) REPEAL OF LIMITATION.—The first proviso in the account under the heading ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' in title III of Public Law 102–389 (15 U.S.C. 2053 note) shall cease to be in effect after fiscal year 2010.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 204. EXPEDITED RULEMAKING.

(a) RULEMAKING UNDER THE CONSUMER PRODUCT SAFETY ACT.—

(1) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by inserting ''or notice of proposed rulemaking'' after ''advance notice of proposed rulemaking'' in subsection (c); and

(E) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(1)) is amended to read as follows:

''(1) Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which the Commission finds meets the requirements section 2(f)(1)(A).''.

(2) PROCEDURE.—

(A) Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(B) Section 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(2)) is amended to read as follows:

''(2) Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(3) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking subsection (d) of section 2 and inserting the following:

''(d) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in section 14(b), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission''; and

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 20(a)(1) (15 U.S.C. 1275(a)(1)).

(c) RULEMAKING UNDER THE FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' and inserting ''may be commenced by a notice of proposed rulemaking or'';

(B) in subsection (i), by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193 et seq.) is further amended—

(A) by striking subsection (i) of section 2 and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''the Commission'';

(C) by striking ''Secretary'' each place it appears, except in sections 9 and 14, and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place either term appears in reference to the secretary and insert ''it'' and ''its'', respectively;

(E) in section 4(e), by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(F) in section 15, by striking ''Consumer Product Safety Commission (hereinafter referred to as the 'Commission')'' and inserting ''Commission'';

(G) by striking section 16(d) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related materials, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) in section 17, by striking ''Consumer Product Safety Commission'' and inserting ''Commission''.

SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''30 days'' and inserting ''15 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(2) in paragraph (2)—

(A) by striking ''10 days'' and inserting ''5 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(3) in paragraph (4), by striking ''section 19 (related to prohibited acts)'' and inserting ''any consumer product safety rule under or provision of this Act or similar rule under or provision of any other Act administered by the Commission''; and

(4) in paragraph (5)—

(A) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(D) the Commission publishes a finding that the public health and safety require public disclosure with a lesser period of notice than is required under paragraph (1).''; and

(D) in the matter following such subparagraph (as added by subparagraph (C)), by striking ''section 19(a)'' and inserting ''any consumer product safety rule under this Act or similar rule under or provision of any other Act administered by the Commission''.

SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCIDENTS INVOLVING INJURY OR DEATH.

(a) EVALUATION.—The Commission shall examine and assess the efficacy of the Injury Information Clearinghouse maintained by the Commission pursuant to section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)). The Commission shall determine the volume and types of publicly available information on incidents involving consumer products that result in injury, illness, or death and the ease and manner in which consumers can access such information.

(b) IMPROVEMENT PLAN.—As a result of the study conducted under subsection (a), the Commission shall transmit to Congress, not later than 180 days after the date of enactment of this Act, a detailed plan for maintaining and categorizing such information on a searchable Internet database to make the information more easily available and beneficial to consumers, with due regard for the protection of personal information. Such plan shall include the views of the Commission regarding whether additional information, such as consumer complaints, hospital or other medical reports, and warranty claims, should be included in the database. The plan submitted under this subsection shall include a detailed implementation schedule for the database, recommendations for any necessary legislation, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY COMMISSION-ENFORCED STATUTE.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) fails to comply with any other rule affecting health and safety promulgated by the Commission under the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act;''; and

(3) by adding at the end the following sentence: ''A report provided under this paragraph (2) may not be used as the basis for criminal prosecution under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.''.

SEC. 209. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subjection (c)—

(A) by striking ''if the Commission'' and inserting ''(1) If the Commission'';

(B) by inserting ''or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12,'' after ''from such substantial product hazard,'';

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after ''the following actions:'' the following:

''(A) To cease distribution of the product.

''(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

''(C) To notify appropriate State and local public health officials.''; and

(E) by adding at the end the following:

''(2) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.'';

(2) in subsection (f)—

(A) by striking ''An order'' and inserting ''(1) Except as provided in paragraph (2), an order''; and

(B) by inserting at the end the following:

''(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.''.

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''An order under this subsection may'' and inserting:

''(2) An order under this subsection shall'';

(6) by striking '', satisfactory to the Commission,'' and inserting '', as promptly as practicable under the circumstances, as determined by the Commission, for approval by the Commission,''; and

(7) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan.''.

(c) CONTENT OF NOTICE.—Section 15 is further amended by adding at the end the following:

''(i) Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

''(1) identifying the specific product that is subject to such an order;

''(2) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

''(3) understanding what remedy, if any, is available to a consumer who has purchased the product.''.

SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY INTERNET SELLERS, AND RADIO AND TELEVISION NOTICE.

Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by inserting '', including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, or distributor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice'' after ''comply''.

SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LABORATORIES.

Section 16(a)(1) is amended by striking ''or (B)'' and inserting ''(B) any proprietary laboratories certified under section 14(e), or (C)''.

SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORTERS, RETAILERS, AND DISTRIBUTORS.

(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is in the possession of the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication or such product or substance; and

''(C) each subcontractor from which the manufacturer obtained a component thereof.''.

(b) COMPLIANCE REQUIRED FOR IMPORTATION.—Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (g), by striking ''may'' and inserting ''shall''; and

(2) in subsection (h)(2), by striking ''may'' and inserting ''shall, consistent with section 6,''.

SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, the Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any

consumer product, or other product or substance that is regulated under any Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under this Act or a similar rule under any such other Act;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

(b) PROHIBITED ACT.—Section 19(a)(10) (15 U.S.C. 2068(a)(10)) is amended by striking the period at the end and inserting '' or violate an order of the Commission issued under section 18(c); or''.

(c) CONFORMING AMENDMENTS TO OTHER ACTS.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(2) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under the Consumer Product Safety Act or with a rule under this Act;

''(2) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.

Section 19(a) (as amended by section 210) (15 U.S.C. 2068(a)) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public;

''(C) subject to an order issued under section 12 or 15 of this Act; or

''(D) designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8); and

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''.

SEC. 215. INCREASED CIVIL PENALTY.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(B) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(2) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) AMENDMENTS.—

(i) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(ii) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(iii) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking ''$1,250,000'' and inserting ''$10,000,000''.

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(i) the date on which final regulations are issued pursuant to section 3(b); or

(ii) 360 days after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) (15 U.S.C. 2069(b)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''products distributed, and'' and inserting ''products distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(i) by inserting ''the nature, circumstances, extent ,and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''substance distributed, and'' and inserting ''substance distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(i) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(ii) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.

Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalty provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act of any other Act enforced by the Commission for which the violator is sentenced under this section, section 5(a) of the Federal hazardous Substances Act (15 U.S.C. 2064(a)), or section 7 of the Flammable Fabrics Act (15 U.S.C. 1196).''.

SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

Section 24 (15 U.S.C. 2073) is amended—

(1) in the section heading, by striking ''PRIVATE'' and inserting ''ADDITIONAL'';

(2) by striking ''Any interested person'' and inserting ''(a) Any interested person''; and

(3) by striking ''No separate suit'' and all that follows and inserting the following:

''(b)(1) The attorney general of a State, alleging a violation of section 19(a) that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief.

''(2) Not less than thirty days prior to the commencement of such action, the attorney general shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein;

''(C) and to file petitions for appeal.

''(c) No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section the court may in the interest of justice award the costs of suit, including reasonable attorneys' fees (determined in accordance with section 11(f)) and reasonable expert witnesses' fees.''.

SEC. 218. EFFECT OF RULES ON PREEMPTION.

In issuing any rule or regulation in accordance with its statutory authority, the Commission shall not seek to expand or contract the scope, or limit, modify, interpret, or extend the application of sections 25 and 26 of the Consumer Products Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261), section 7 of the Poison Prevention Packaging Act (15 U.S.C. 1476), or section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) with regard to the extent to which each such Act preempts, limits, or otherwise affects any other Federal, State, or local law, or limits or otherwise affects any cause of action under State or local law.

SEC. 219. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

''(f)(1) The Commission may make information obtained by the Commission under this Act available (consistent with the requirements of section 6) to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) The Commission may abrogate any agreement or memorandum of understanding entered into under paragraph (1) if the Commission determines that the agency with which such agreement or memorandum of understanding was entered into has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(B) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

''(g) Whenever the Commission is notified of any voluntary recall of any consumer product self-initiated by a manufacturer (or a retailer in the case of a retailer selling a product under its own label), or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department or other agency designated by the State of the recall or order.''.

SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSIBILITY.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Commission shall transmit a report to Congress on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—The Inspector General of the Commission shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules, regulations, or the provisions of any Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall transmit a report to the Commission and to Congress setting forth the Inspector General's findings, conclusions, actions taken in response to employee complaints, and recommendations.

(c) COMPLAINT PROCEDURE.—Not later than 30 days after the date of enactment of this Act the Commission shall establish and maintain on the homepage of the Commission's Internet website a mechanism by which individuals may anonymously report incidents of waste, fraud, or abuse with respect to the Commission.

SEC. 221. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.

The Consumer Product Safety Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

''SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

''(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept travel, subsistence, and related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

''(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for certain travel and lodging expenses necessary in furtherance of the official duties of Commissioners and employees.''.

SEC. 223. ANNUAL REPORTING REQUIREMENT.

Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Commission'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission''; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively and inserting after paragraph (4) the following:

''(5) the number and summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary actions taken by manufacturers of which the Commission has notified the public, and an assessment of such orders and actions;''.

SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY RELATING TO IMPORTED PRODUCTS.

The Commission shall study the effectiveness of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)), specifically paragraphs (3) and (4) of such section, to determine a specific strategy to increase the effectiveness of the Commission's ability to stop unsafe products from entering the United States. The Commission shall submit a report to Congress not later than 9 months after enactment of this Act, which shall include recommendations regarding additional authority the Commission needs to implement such strategy, including any necessary legislation.

SA 4096. Mr. DEMINT submitted an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve

the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

Beginning on page 58, strike line 11 and all that follows through page 66, line 9.

SA 4097. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, strike lines 4 through 7 and inserting the following:

''(g) ATTORNEY FEES.—The prevailing party in a civil action under subsection (a) may recover reasonable costs and attorney fees.''.

SA 4098. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON IMPORTATION OF TOYS MADE BY CERTAIN MANUFACTURERS.

Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (a), as amended by section 10(f) of this Act—

(A) in paragraph (5), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) is a toy classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that is manufactured by a company that the Commission has determined—

''(A) has shown a persistent pattern of manufacturing such toys with defects that constitute substantial product hazards (as defined in section 15(a)(2)); or

''(B) has manufactured such toys that present a risk of injury to the public of such a magnitude that the Commission has determined that a permanent ban on all imports of such toys manufactured by such company is equitably justified.''; and

(2) by adding at the end the following:

''(i) Whenever the Commission makes a determination described in subsection (a)(7) with respect to a manufacturer, the Commission shall submit to the Secretary of Homeland Security information that appropriately identifies the manufacturer.

''(j) Not later than March 31 of each year, the Commission shall submit to Congress an annual report identifying, for the 12-month period preceding the report—

''(1) toys classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that—

''(A) were offered for importation into the customs territory of the United States; and

''(B) the Commission found to be in violation of a consumer product safety standard; and

''(2) the manufacturers, by name and country, that were the subject of a determination described in subsection (a)(7)(A) and (B).''.

SA 4099. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION

SEC. 201. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel.

SA 4100. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, beginning in line 8, strike ''except as provided in subparagraph (C),''.

On page 26, beginning with line 21, strike through line 15 on page 27.

On page 27, line 16, strike ''(D)'' and insert ''(C)''.

On page 27, beginning in line 21, strike ''desdribed in subparagraph (C) of this paragraph, or''.

On page 27, line 24, strike the comma.

On page 29, line 4, strike ''(E)'' and insert ''(D)''.

On page 29, beginning in line 8, strike ''(including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph)''.

SA 4101. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 72, beginning with line 6, strike through line 8 on page 75 and insert the following:

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

SA 4102. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission

to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _01. GET IN LINE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Get in Line Act''.

(b) PROHIBITION ON THE PAYMENT OF INDIVIDUALS TO RESERVE A PLACE IN LINE FOR A LOBBYIST FOR A SEAT AT A CONGRESSIONAL COMMITTEE OR FEDERAL ENTITY HEARING OR BUSINESS MEETING.—

(1) PROHIBITION.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''SEC. 27. PROHIBITION ON THE PAYMENT OF INDIVIDUALS TO RESERVE A PLACE IN LINE FOR A LOBBYIST FOR A SEAT AT A CONGRESSIONAL COMMITTEE OR FEDERAL ENTITY HEARING OR BUSINESS MEETING.

''(a) PROHIBITION.—Any person described in subsection (b) shall not make a payment to an individual to reserve a place in line for a seat for that person at a congressional committee or Federal entity hearing or business meeting.

''(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that retains or employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).''.

(2) CERTIFICATION.—Section 5(d)(1)(G) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)(G)) is amended—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(iii) has read and is familiar with section 27, relating to paying individuals to reserve seats at congressional committee or Federal entity hearings or business meetings, and has not violated that section.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(c) COMMITTEE HEARING AVAILABILITY.—A committee of the Senate that is unable to accommodate all persons wishing to sit in the hearing room for a committee hearing or business meeting shall—

(1) make all reasonable accommodations for such overflow, including opening up an overflow room with a video monitor showing the hearing or meeting if possible; and

(2) stream the hearing or meeting on the committee website to the extent practicable

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SA 4103. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 21 and 22, insert the following:

(c) TRAINING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) develop standards for training product safety inspectors and technical staff employed by the Commission; and

(B) submit to Congress a report on such standards.

(2) CONSULTATIONS.—The Commission shall develop the training standards required under paragraph (1) in consultation with a broad range of organizations with expertise in consumer product safety issues.

SA 4104. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

SA 4105. Ms. KLOBUCHAR (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, beginning with line 16, strike through line 3 on page 4, and insert the following:

''(a)(1) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $88,500,000 for fiscal year 2009;

''(B) $96,800,000 for fiscal year 2010;

''(C) $106,480,000 for fiscal year 2011;

''(D) $117,128,000 for fiscal year 2012;

''(E) $128,841,000 for fiscal year 2013;

''(F) $141,725,000 for fiscal year 2014; and

''(G) $155,900,000 for fiscal year 2015.

''(2) From amounts appropriated pursuant to paragraph (1), there shall shall be made available, for each of fiscal years 2009 through 2015, $1,200,000 for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

SA 4106. Mrs. FEINSTEIN submitted an amendment intended to be proposed

by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

SEC. 40. INFANT CRIB SAFETY.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL USER.—

(A) The term ''commercial user'' means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that—

(I) deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(II) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(B) The term ''commercial user'' does not mean an individual who sells a used crib in a one-time private sale.

(2) CRIB.—The term ''crib'' means a full-size crib or non-full-size crib.

(3) FULL-SIZE CRIB.—The term ''full-size crib'' means a full-size baby crib as defined in section 1508.1 of title 16, Code of Federal Regulations.

(4) INFANT.—The term ''infant'' means any person less than 35 inches tall or less than 2 years of age.

(5) NON-FULL-SIZE CRIB.—The term ''non-full-size crib'' means a non-full-size baby crib as defined in section 1509.2(b) of title 16, Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

(b) REQUIREMENTS FOR CRIBS.—

(1) MANUFACTURE AND SALE OF CRIBS.—It shall be unlawful for any commercial user—

(A) to manufacture, sell, or contract to sell, any full-size crib or non-full-size crib that is unsafe for any infant using it; or

(B) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or non-full-size crib that is not new and that is unsafe for any infant using the crib.

(2) PROVISION OF CRIBS BY LODGING FACILITIES.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this section, any full-size crib or non-full-size crib that is unsafe for any infant using it.

(3) ADHERENCE TO CRIB SAFETY STANDARDS.—A full-size crib, non-full-size crib, portable crib, playpen, or play yard, shall be presumed to be unsafe under this section if it does not conform to the standards applicable to the product as listed below:

(A) Part 1508 of title 16, Code of Federal Regulations (relating to requirements for full-size baby cribs).

(B) Part 1509 of title 16, Code of Federal Regulations (relating to requirements for non-full-size baby cribs).

(C) American Society for Testing Materials F406-07 Standard Consumer Safety Specification for Non-Full Size Baby Cribs/Play Yards.

(D) American Society for Testing Materials F1169 Standard Specification for Full-Size Baby Crib.

(E) American Society for Testing and Materials F966-00 Consumer Safety Specification for Full-Size and Non-Full Size Baby Crib Corner Post Extensions.

(F) Part 1303 of title 16, Code of Federal Regulations (relating to banning lead-containing paint).

(G) Any amendments to the regulations or standards described in subparagraphs (A) through (F) or any other regulations or standards that are adopted in order to amend or supplement the regulations or standards described in such subparagraphs.

(4) DESIGNATION AS HAZARDOUS PRODUCT.—A full-size or non-full-size crib that is not in compliance with the requirements of this section shall be considered to be a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057). The Consumer Product Safety Commission shall have the power to enforce the provisions of this section in the same manner that the Commission enforces rules declaring products to be banned hazardous products.

(5) EXCEPTION.—The requirements of this section shall not apply to a full-size crib or non-full-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(c) EFFECTIVE DATE.—This section shall take effect on the day that is 90 days after the date of the enactment of this Act.

SA 4107. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4104 proposed by Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. SAFETY OF CHILDREN'S PRODUCTS CONTAINING PHTHALATES.

(a) FINDINGS.—Congress finds that—

(1) phthalates are a class of chemicals used in certain plastics to improve flexibility and are used in many products intended for use by young children, including toys and soft plastic books;

(2) concerns have been expressed that the use of phthalates in certain vinyl children's products and child care articles may have potential health risks for children;

(3) pursuant to section 28 of the Consumer Product Safety Act (15 U.S.C. 2077), the Consumer Products Safety Commission (referred to in this section as the ''Commission'') has the authority to convene a Chronic Hazard Advisory Panel (referred to in this section as a ''CHAP''), which shall be expert and independent, to critically assess hazards and risks to human health;

(4) the Commission has previously convened a CHAP to study diisononyl phthalate (referred to in this section as ''DINP''), the phthalate plasticizer most commonly used in soft plastic toys. The CHAP found that exposure to DINP from toys posed little or no risk of injury to children, and the Commission concurred, finding no demonstrated health risk; and

(5) the Commission has not convened a CHAP to assess other phthalates or other plasticizers that are used in children's products and child care articles.

(b) SAFETY STUDY OF CHILDREN'S PRODUCTS CONTAINING PHTHLALATES OR OTHER PLASTICIZERS.—

(1) IN GENERAL.—The Commission shall examine and assess the risks to human health presented by exposure to toys or any other products designed or intended for use by children under 6 years of age that contain phthalates or other plasticizers used to soften vinyl products.

(2) ADVISORY PANEL ON PHTHALATES.—Pursuant to section 28 of the Consumer Product Safety Act (15 U.S.C. 2077), the Commission shall appoint a CHAP to critically assess the risks to human health presented by exposure to toys or any other products designed or intended for use by children under six years of age that contain phthalates or other plasticizers used to soften vinyl products.

(3) DISCRETION TO SUPPLEMENT PRIOR STUDY.—The Commission may update its prior assessment of DINP to the extent determined necessary by the Commission.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that summarizes the relevant scientific evidence pertaining to any significant health risks presented by exposure to toys or any other products designed or intended for use by children under 6 years of age that contain phthalates or other plasticizers used to soften vinyl products.

(c) RULEMAKING.—

(1) INTERIM REGULATION ON CHILDREN'S PRODUCTS CONTAINING DINP.—Notwithstanding the requirements under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), not later than 3 months after the date of the enactment of this Act, the Commission shall promulgate a rule that—

(A) sets limits on the DINP content of toys or any other products designed or intended for use by children under 6 years of age that are consistent with the findings of the CHAP on DINP; and

(B) shall take effect 1 year after the date on which it is promulgated.

(2) FINAL RULE ON SAFETY OF CHILDREN'S PRODUCTS CONTAINING PHTHALATES OR OTHER PLASTICIZERS.—

(A) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Commission, subject to the requirements of section 9(f)(3) of the Consumer Product Safety Act (15 U.S.C. 2058(f)(3)), shall promulgate a final rule to regulate products or categories of products identified in the study described in subsection (b), as reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such products.

(B) ESTABLISHMENT OF LIMITS.—The final rule promulgated under this paragraph shall establish limits for—

(i) the content of phthalates and other plasticizers in products or categories of products identified in the study described in subsection (b) that are consistent with the findings of the CHAP appointed pursuant to subsection (b)(2); and

(ii) the DINP content of toys or any other products designed or intended for use by children under 6 years of age that are consistent with the findings of the CHAP on DINP and any updated assessment of DINP conducted pursuant to subsection (b)(3).

(C) EFFECTIVE DATE.—Notwithstanding the requirements of section 9(g)(1) of the Consumer Product Safety Act (15 U.S.C.

2058(g)(1)), the final rule promulgated under this paragraph shall take effect 1 year after the date on which it is promulgated.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 6, at 10 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the state of facilities in Indian Country—jails, schools, and health facilities.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 12, 2008, at 10 a.m. to hear testimony on ''Is the Myth of In-Person Voter Fraud Leading to Voter Disenfranchisement?''

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 9:30 a.m., in open and closed session in order to receive testimony on the United States Central Command and Special Operations Command in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 4, 2008, at 10 a.m., in order to conduct a hearing entitled ''The State of the Banking Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The purpose of this hearing is to evaluate operational incidents associated with oil spills. The Subcommittee will examine non-tank vessel fuel tank design, the Coast Guard's Vessel Traffic System, and the U.S. vessel pilot system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, March 4, 2008, at 10:00 a.m., in room SD 366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding Energy Information Administration's revised Annual Energy Outlook.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 9:30 a.m. in SD–410, in order to conduct a hearing on Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m. in order to conduct a closed hearing entitled ''NSPD–54/HSPD–23 and the Comprehensive National Cyber Security Initiative.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, March 4, in order to conduct a joint hearing with the House Veterans' Affairs Committee to hear the legislative presentation from the Veterans of Foreign Wars of the U.S. The Committee will meet in room 216 of the Hart Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 4, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m., in open and closed session in order to receive testimony on military space programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND THE AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 2007, at 10 a.m. in order to conduct a joint hearing entitled, ''Is Housing Too Much To Hope For?: FEMA's Disaster Housing Strategy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Christopher Day and Bill Couch, members of my staff, be granted floor privileges during the consideration of S. 2663, the CPSC Reform Act.

PERMISSION TO VOTE BY PROXY

Mr. PRYOR. Mr. President, I ask unanimous consent, notwithstanding rule XXVI, paragraph 7, of the Standing Rules of the Senate and rule III of the Senate Budget Committee rules, that any member of the committee be permitted to vote by proxy, with the concurrence of the chair and ranking member of the committee, at the meeting of the Senate Budget Committee on March 6, 2008, and that any vote cast on behalf of that member by proxy in the Budget Committee on that date be treated by the committee as if that member were physically present but the proxy not count for the purposes of establishing a quorum present; and that if the Budget Committee orders reported a concurrent resolution on the budget for fiscal year 2009 on that date, such measure be deemed to have been ordered reported in compliance with rule XXVI, paragraph 7, of the Standing Rules of the Senate and the rules of the Senate Budget Committee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HONORING THE LIFE OF MYRON COPE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 467 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.